

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 12, 2010, 8:00 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President Gallasch at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gettel, Mark Jahnke, Jim Kochensparger, Bill Lamott, Mike Seltzer
Absent: Steve Rosenthal (excused)
Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney

III. ADOPTION OF AGENDA

Motion by Jahnke supported by Kochensparger to approve the Agenda as revised.

Jahnke requested that a website update be added as VIII (B) (6).

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

IV. MINUTES

A. June 14, 2010 Regular Village Council Meeting

Motion by Kochensparger supported by Seltzer to approve the minutes of the June 12, 2010, Regular Village Council Meeting as submitted.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

B. June 16, 2010 Special Village Council Meeting

Motion by Gettel supported by Seltzer to approve the minutes of the June 12, 2010, Special Village Council Meeting as submitted.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief, referred to his submitted report, reviewed recent activity in the Village, noted that residents should contact the Department regarding any suspicious activity, advised that copies of the 2009 Annual Report have been distributed, the Department will be hosting an Open House on August 3rd, 2010 in conjunction with National Association of Crime Watch week, forfeiture funds are being used for equipment related needs, transition to new radio system in scout cars is complete, reception information is being compiled and forwarded to Farmington Hills and Clemis, and his recommendation is to continue utilizing Farmington Hills for dispatch following his research into other available systems.

Discussion ensued regarding dispatch with Jahnke suggesting a longer-term agreement be pursued and Gallasch inquiring if copies of the Annual Report are available for the Villagers to review to which Browne noted the Report will be available at Village Hall.

Tony Averbuch, Fire Chief: Averbuch referred to his submitted written report.

Thomas Morrow, Treasurer: Morrow referred to his submitted written report and noted that information relative to account balances is included and the Bills List is at its seasonal low point.

Ray Majacz, Great Lakes Landscaping, Public Services Coordinator: Stoppels noted that Majacz was unable to attend the meeting.

Gallasch inquired if anyone from Main Street was present with no one in the audience responding.

VI. SUBMISSION OF CURRENT BILLS

Motion by Gettel supported by Seltzer to approve the Bills List as submitted.

Totals	
General Administration	\$ 10,046.58
Building	\$ 6,773.54
Insurance	\$ 36,545.92
Legal	\$ 3,335.00
Police	\$ 9,620.47
Pressure Sewer	\$ 1,335.31
Major Roads	\$ 4,406.46
Local Roads	\$ 5,445.08
Rubbish	\$ 17,126.53
Trust & Agency	\$ 6,000.00
Waste Water	\$ 71.19
ALL FUNDS	\$ 100,706.08

Discussion ensued regarding publication requirements for legal notices with Staran advising that to date the requirement have not changed, Bill Dinnan Administrative Functions (Stoppels advised that a portion is reimbursable), Great Lakes Internet and Consulting Service Calls, Chloride Treatment (14 Mile Road), and Tree Damage to Fence.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Gallasch advised as to rules of procedure for public requests and comments.

Marcia Gershenson, Oakland County Commissioner, District 17, advised that the Water Resources and Road Commissions removed debris from 14 Mile and Franklin Road as requested, texting ban is in effect, MML is providing shared services assistance, and the County has a new dog park in Madison Heights. Continuing, she commended Chef Carl for utilizing traffic congestion as an opportunity to distribute information relative to his business, noted that approximately 30% of every dollar spent locally stays local, and she is working with Bloomfield Hills on a community garden and offered her assistance to Villagers interested in pursuing a community garden in Franklin. Discussion ensued regarding community gardens and the dog park.

VIII. SPECIAL REPORTS

A. President's Report

1. Consider Tribute to Alan Harnisch

Gallasch noted that it is an honor to recognize one of our former residents. Lamott introduced this item, thanked Harnisch for the opportunity to work with him and noted the considerable benefits to the Village from Harnisch's service over the years, and the legacy of volunteerism he leaves behind.

#2010-70 Motion by Lamott supported by Jahnke to approve the Resolution in Recognition of Harnisch's Public Service to the Village as submitted.

RESOLUTION FOR COUNCILMAN ALAN HARNISCH IN APPRECIATION OF HIS PUBLIC SERVICE TO THE VILLAGE OF FRANKLIN

WHEREAS, **ALAN HARNISCH** has served the Village of Franklin, Michigan, since March 27, 2000 as an elected member of the Village Council until his retirement on April 12, 2010; and

WHEREAS, **ALAN HARNISCH** has resided in the Village of Franklin, Michigan for twenty one (21) years; and

WHEREAS, **ALAN HARNISCH** graduated from Michigan State University in 1966, Wayne State Law School with honors in 1970, and attend New York University Law School; and

WHEREAS, **ALAN HARNISCH** has been a practicing attorney for many years, and is currently a senior litigation partner with a full service law firm in Bloomfield Hills, rated "AV" by Martindale-Hubbell and licensed to practice law in Michigan, New York and D.C.; and

WHEREAS, **ALAN HARNISCH** has been the National President of the Federal Bar Association in 1994-95, the President of the Detroit Chapter of the Federal Bar Association in 1982 and 1983, the President of the Federal Bar Building Corporation 2009 to present, a member of the State Bar of Michigan Representative Assembly 1990 to 1996, a member of the American Bar Association House of Delegates 1999 to present, a member of the State Bar of Michigan Representative Assembly 1990-1996, a Trustee of the Historical Society for the Federal Court in Detroit 1998 to present, a hearing panelist for the Michigan Attorney Discipline Board 1999 to present, a former federal prosecutor, a life member of the Federal 6th Circuit Judicial Conference, and a Fellow of the Michigan Bar Foundation ; and

WHEREAS, the Village of Franklin benefited from the voluntary work of **ALAN HARNISCH** in the legal issues surrounding the construction of the Village Police Station in 1998 and 1999; and

WHEREAS, as a Council Member for the Village of Franklin, **ALAN HARNISCH** has demonstrated strong leadership and communication skills, including through his appointment as a member of the police negotiating committee, and as a member of the Legal Liaison Committee; and

WHEREAS, as a Council Member, **ALAN HARNISCH** has exercised unfailing good humor, perseverance, sound judgment in attending to official duties, and remains a tireless supporter of the Franklin Police Department.

NOW, THEREFORE BE IT RESOLVED, on this 12th day of July 2010, that the Village Council of Franklin desires to express their appreciation for such dedicated public service by **ALAN HARNISCH** and thank him for his legacy of constructive involvement which has made such a profound and positive impact upon the Village of Franklin. **ALAN HARNISCH** is to be commended for his dedication and skill at performing the duties required of each organization he has served.

Browne extended his appreciation to Harnisch for his service to the Village and the Department .and noted that he will be missed as did Randy McElroy, Jim Gardner, and the Trustees.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

Harnisch expressed his appreciation for the comments and recognition and noted that serving on Council was a great experience as was living in the Village, he would have gladly served the remainder of his term if that were possible, which it was not, he was glad to donate his time over the years to the Village, and he misses everyone and appreciates the value of Franklin even more than before.

B. Council Reports

1. Kreger House Report, Bill Lamott - Trustee

Lamott reviewed recent events which have raised approximately \$10,000 and noted that due to vacations the Team will not be meeting for a few weeks.

2. Legal Committee Report

Jahnke requested if Legal had considered Huda School site plan and Village center parking issues with Stoppels providing a brief overview of those discussions. Discussion ensued with it being noted that Huda School site plan will be the first instance of the recently adopted preliminary site plan review process.

3. Finance Committee Report

Jahnke noted the Committee met a week ago with discussions focused on the engagement of the Auditor's to review the Police Department's retiree health insurance legacy costs and noted the Committee will continue to monitor and bring results of the review to Council in the near future. Jahnke advised the tax bills went out to Village residents last week, noted the millage rate included a slight increase for debt service due to declining revenue from declining property values, and suggested including line items for general fund, fire fund, rubbish fund, library fund, sewer debt, road debt, and police debt on the tax bills if cost-effective to implement.

4. Personnel Committee Report

a. Discuss Village Administrator Revised Contract

Stoppels provided the following comments to Council and the Villagers:

I have a few things that I would like to say to the Village Council and the residents of Franklin. I will be brief.

I was first appointed by the Village Council in 2001. At that time I was given some very specific directions which were as follows:

- Work to improve Village services
- Upgrade Village owned properties and buildings as well as the overall appearance of the Village
- Develop a plan to improve and maintain the Village's infrastructure, particularly the new roads
- Support and encourage improvements to the downtown
- Control costs
- Maintain low tax rate

These are not easy tasks when controlling costs and keeping the tax rate low were the primary objectives.

I am here to say that over the past nine years, WE did that! When I say WE, I mean that elected and appointed officials as well as staff and consultants put together their collective talents to make Franklin one of the most efficient and well run local governments in the region. As

previously reported, Franklin has one of the lowest per capita costs for its operations among all of the SEMCOG communities. A fact that we should all be proud of.

Over the last decade, the following accomplishments have been achieved:

Major Accomplishments

- Developed and maintained balanced budgets each of the last ten years.
- Cut and/or controlled costs in all areas of Village budget.
- Minimized and capped public Works costs while improving services.
- Obtained and maintained AA+ bond rating.
- Renovated and maximized the use of Village Hall increasing useable space by double. Done without significant capital outlay in any one year.
- Maintained customer service levels with a reduction in administrative staffing by 40%.
- Reduced annual fuel consumption and fleet maintenance costs while maximizing use and extending useable life.
- Reduced annual utility costs at Village Hall through conservation efforts and installation of more cost efficient equipment.
- Built up and maintained General Fund – Fund Balance beyond recommended 25% level.
- Built up Major and Local Road Fund – Fund Balance to over \$1,000,000.
- Implemented comprehensive road maintenance and repair plan that has prolonged the useable life of all Village roads beyond normal standards.
- Improved code enforcement efforts.

Now, at this juncture I feel that a change is desired. Despite our successes in dealing with the state and national economy, Council now deems it necessary to make certain cuts in expenditures.

I have been asked to consider a new and revised contract and compensation plan which I cannot accept.

Please allow me to make it perfectly clear to the Council and villagers that my decision to not renew a contract with the Village is NOT based on economics, but solely on principle.

This Village government has performed well as a team. In order for a team to be successful, all members must be on the same page and have the same goals.

I believe that the current council, appointed officials, consultants and professional staff have the best mix of talents, experience, and desire to move the Village forward, and can do so if you unite as a cohesive team.

I promise that within my remaining tenure here I will work towards a smooth transition and encourage the Council to build a strong team with the spirit of cooperation to navigate through what will most likely be some difficult economic years.

I very strongly feel that the efforts and accomplishments of the last decade have built a strong platform to build on for future successes and prosperity.

In closing, I would like to thank the Franklin villagers for what has been wonderful support and the truest evidence of community spirit and love of the Village.

Discussion ensued with Lamott and Gallasch expressing their disappointment in the events that led to this decision, understanding of Stoppels decision, and appreciation for his service to the Village. Gallasch noted that until another Administrator is hired, Village Council will have to assume some additional responsibilities such as oversight in their area of expertise and suggested Kelda keep a phone log with Trustees responding in their area of expertise to ensure Villagers get a response to their queries. Continuing, he noted a Committee should be formed and custodial services will also need to be addressed as Stoppels had voluntarily assumed some of those responsibilities. Discussion ensued with Jahnke inquiring as to timing and with Stoppels advising he will submit a letter of resignation tomorrow. Randy McElroy expressed his displeasure and concern over the events that led to this decision and noted that the Village has gone through this before and the process strained staff.

5. DPW – Road Administrator Committee Report

Gallasch suggested that the Committee start meeting on a regular basis and requested that Pulker add this to the calendar. Jahnke suggested the status report be made public.

6. Website Committee Update

Gettel advised there have been some delays but the website should go live within a week, the Committee will continue to meet and provide oversight.

IX. UNFINISHED BUSINESS

A. Consider Police Services Contract Between the Village of Franklin and the Village of Bingham Farms

Gallasch provided a brief overview and noted the goal has been to memorialize current practices in a longer-term agreement which Bingham Farms will consider at their next meeting. Discussion ensued regarding financial formula.

#2010-71 Motion by Gettel supported by Seltzer to approve the Police Services Contract between the Village of Franklin and the Village of Bingham Farms, as presented.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

X. NEW BUSINESS

A. Consider Event Permit for Dorchester Hills Neighborhood Association “Neighborhood Picnic”

Tom Couvreur, President, advised that the Association would like to have a Picnic on the Village Green on Sunday, September 12, 2010, from 1:00 to 4:00 P.M. Discussion ensued regarding parking.

#2010-72 Motion by Kochensparger supported by Gettel to approve the Dorchester Hills Neighborhood Association “Neighborhood Picnic” on Sunday, Sept 12, 2010, from 1:00 to 4:00 P.M.

Jahnke requested the Church be informed of the event as a courtesy.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

B. Consider Event Permit Modifications for Car & Boat Show: liquor license, banner

Kochensparger advised the spokesperson for this item was called away on a family emergency.

C. Consider Appointments to Village Boards and Commissions

1. Planning Commission

Gallasch noted that he is seeking Council's approval of his recommendation for the reappointment of Mary Hepler, Al Beke, and Dean Moenck to the Commission.

#2010-73 Motion by Kochensparger supported by Lamott to ratify the reappointment of Mary Hepler, Al Beke and Dean Moenck to the Planning Commission for a three (3) year term.

**Dean Moenck: Ayes: Gallasch, Gettel, Kochensparger, Jahnke, Lamott, Seltzer; Absent: Rosenthal
Al Beke: Ayes: Gallasch, Gettel, Kochensparger, Jahnke, Lamott, Seltzer; Absent: Rosenthal
Mary Hepler: Ayes: Gallasch, Gettel, Kochensparger, Jahnke, Lamott, Seltzer; Absent: Rosenthal
Motion carried.**

2. Zoning Board of Appeals

#2010-74 Motion by Seltzer supported by Lamott to approve the reappointment of J. Hailey and George Haddad to the Zoning Board of Appeals for a three (3) year term.

**Ayes: Gallasch, Gettel, Kochensparger, Jahnke Lamott, Seltzer
Absent: Rosenthal
Nays: None
Motion carried.**

3. Historic District Commission

Gallasch advised that Judy Ernst is not seeking reappointment.

#2010-75 Motion by Jahnke supported by Lamott to reappoint Pat Burke to the Historic District Commission for a three (3) year term.

**Ayes: Gallasch, Gettel, Kochensparger, Jahnke Lamott, Seltzer
Absent: Rosenthal
Nays: None
Motion carried.**

Discussion ensued regarding the vacancy with the consensus being to postpone this to the next meeting to afford time to seek candidates and with names to be communicated to Gary Roberts.

D. Consider Agreement for Sidewalk Project Along Telegraph Road with Michigan Department of Transportation ("MDOT")

Gallasch provided an update/overview. Staran advised that this draft Agreement is based on MDOT's suggested model and includes some changes made at the request of Bingham Farms, however, MDOT has recently advised it may require additional modifications or separate agreements. Staran suggested that Council could approve this item on a conceptual basis recognizing that an updated version and possible companion agreements will be formally considered at a future date, thereby moving this item forward.

#2010-76 Motion by Gettel supported by Kochensparger to conceptually approve the draft Agreement as submitted recognizing that the Village Attorney will be finalizing the Agreement(s) and bringing the final product to Council for its approval.

Discussion ensued regarding process and timing. Tom Couvreur inquired if this will be finalized before Bingham Farm's next Council Meeting, with Staran advising that is the intent.

**Ayes: Gallasch, Gettel, Kochensparger, Jahnke Lamott, Seltzer
Absent: Rosenthal
Nays: None
Motion carried.**

E. Consider Civic Event Permit Application for Franklin Historical Society "Pioneer Family Night", Friday, September 24, 2010, 5:00 P.M. to 10:00 P.M.

Lamott noted these are Kreger fundraising events and provided a brief overview of the three (3) events.

#2010-77 Motion by Seltzer supported by Gettel to approve the Civic Event Permit Applications for Franklin Historical Society “Pioneer Family Night”, Friday, September 24, 2010, 5:00 P.M. to 10:00 P.M., “Barn Dance”, Saturday, September 25, 2010, 5:00 P.M. to 11:00 P.M., and “Art Show”, Sunday, September 26, 2010, 12:00 Noon to 5:00 P.M. contingent upon the Church being notified and insurance being obtained.

Discussion ensued regarding insurance and notification being provided to Church with Jahnke amending the motion accordingly.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke Lamott, Seltzer

Absent: Rosenthal

Nays: None

Motion carried.

F. Consider Civic Event Permit Application for Franklin Historical Society “Barn Dance”, Saturday, September 25, 2010, 5:00 P.M. to 11:00 P.M.

Considered under Agenda item X (E).

G. Consider Civic Event Permit Application for Franklin Historical Society “Art Show”, Sunday, September 26, 2010, 12:00 Noon to 5:00 P.M.

Considered under Agenda item X (E).

XI. PROCLAMATION/RESOLUTION/ORDINANCES

A. Consider Resolution Establishing a Moratorium on Medical Marihuana Facilities, Permits, Approvals, and Certificates

Staran provided an overview of the Michigan Medical Marihuana Act which went into effect April 4, 2009, noted that communities are grappling with regulation concerns, and reviewed the rationale behind the draft Resolution establishing a moratorium on Medical Marijuana Facilities, Permits, Approvals, and Certificates for 180 days. Discussion ensued regarding other options with Staran noting that the temporary moratorium would enable the Planning Commission, consultants, and staff to develop and recommend to Council an option that would best meet the Village’s needs. Discussion ensued regarding process, options, legal committee review, and timing concerns.

Motion by Lamott to adopt the Resolution Establishing a Moratorium on Medical Marihuna Facilities, Permits, Approvals, and Certificates as presented by Staran.

Motion failed due to lack of second.

Discussion ensued with it being requested that additional information/ordinances as to how other communities are addressing the issue be provided and with the consensus being to postpone consideration to the next meeting.

XII. ADJOURNMENT

Motion by Jahnke supported by Gettel to adjourn the meeting.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Seltzer

Absent: Rosenthal


Nays: None

Motion carried.

There being no further business, the meeting adjourned at 9:25 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

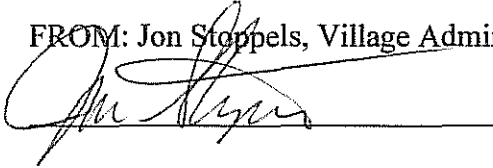
H. Frederick Gallasch, President

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July 13, 2010

TO: Fred Gallasch, Village President
cc. Village Council

FROM: Jon Stoppels, Village Administrator

A handwritten signature in black ink, appearing to read "Jon Stoppels", is written over a horizontal line. The signature is fluid and cursive.

SUBJECT: Employment Contract

As I informed you on July 9, 2010, I considered the contract terms as provided to me and do not wish to renew. Therefore I am informing you that my last day of reporting to the Village will be Friday, August 6th at which point I will be taking the balance of my accrued vacation days.

During the next month I will work with you to ensure a smooth transition and to complete some pending projects as well as provide you with information for all other outstanding projects or issues that currently face the Village.

I would also like to inform you that I will be available for consultation after my departure to assist you with any questions or concerns that may come up. Again, it is my intention to make the transition as smooth as possible and to assist you and the Council as best I can.